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The Implementation of Electronic Tagging and its Role in the Expansion of Penal Control

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The Implementation of Electronic Tagging and its Role in the Expansion of Penal Control

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The object of this work is the analysis of electronic control applied to the convicted person as an alternative to pre-trial detention.

The attention is immediately focused on the impact of the use of surveillance technologies. More specifically, I tried to identify what is meant by electronic surveillance and what are the consequences of using a new punitive tool, such as the electronic bracelet, on criminal control (Blomberg, 1995).

The interest in this theme emanates, on one side, from the unexpected commotion that in recent months has characterized national courts, and mass media, intent on stressing with great obstinacy the poor application of the electronic devices present in our system (Nellis, 2012) and, on the other hand, by the constant increase in the number of people crossing prison thresholds despite several deflationary measures introduced by the Italian legislator after the "Torreggiani and others c. Italy" sentence, by the Grand Chambre of the European Court of Human Rights, against the generalized overcrowding that has afflicted Italian penal institutions for years.

Electronic monitoring technologies have been very successful abroad, and have been embraced by over thirty countries all over the world. However, some criticism about electronic surveillance is raised by the doctrine. Many authors complain about the mere expiation of condemnation from a penitentiary setting to a domestic one, creating a new way of serving one's sentence based exclusively on the so-called "seclusion", an exclusion that has the only function of separating the suspect or the condemned from society with the ultimate aim of creating social security, without taking into account the rehabilitative function of the sentence.

As a matter of fact, Electronic Monitoring was originally designed to provide an alternative to incarceration but it has entailed a widening of the penal net (Cohen, 1985): not only by creating new forms of punishment but also by including an ever wider group of citizens in the "prison archipelago" (Foucault, 1975).

The research will point out the role of the Italian Lawmaker and of the judges in the development of new forms of social control to better understand how they contribute to the expansion of the crime control system.

The proposal of this paper is to analyse which criteria judges use in the pre-trial phase for the application of electronic monitoring devices. In order to investigate the legal culture (Nelken, 2005) of the Courts I have analyzed several application or rejection ordinances of electronic devices collected in the Courts of Turin and Reggio Calabria.

I have also conducted semi-structured interviews with the judges for the preliminary investigations of the same Courts. The research was carried out using a type of survey that was purely qualitative, also considering the difficulties in collecting data and aimed at analysing the professional practices, the legal culture and the motivations of the judges of the two Courts through a socio-legal approach. The choice to carry out two geographically located case studies was born from the need to better understand judicial practices, the legal culture and the motivational choices used by the legal practitioners for the application of electronic bracelets.

The results of the research lead to a series of critical reflections on the implementation of control technologies (Eisenberg, 2017), and on the impact they have in terms of expansion of criminal control (Aebi *et al.*, 2015; McMahon, 1990).

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SESSION 19B

Women Prisoners' Forms and Methods of Resistance

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This paper aims to present initial findings from an investigation into the methods and forms of resistance women prisoners employ when negotiating their way through their day to day life in a closed prison.

Findings are taken from a reanalysis of the data from a previous 13-month ethnography into women prisoners, on a three or more year sentence and their preparation for release and the construction of a new life.

This ethnographic study involved qualitative interviews with prisoners and staff (prison officers and support staff), detailed observations and the compiling of field notes plus gaining employment in the prison education department as a relief teacher. Thirteen months was spent working and researching at a closed women's prison in England. For 9 months of this time the researcher was also pregnant which made for further interesting and challenging fieldwork dynamics.

Findings from the original study clearly demonstrated that a responsibilisation agenda, lack in capital and numerous structural, gendered barriers were the key obstacles to planning and preparing for release and consequently the potential to desist from future crime. Despite these largely structural disadvantages, *this* paper argues that it is important to recognise the feminist discourse that rejects the notion that female offenders are purely victims of their class or passive sufferers of racial and other forms of discrimination. Women prisoners possess agency and are able to resist and struggle against the oppression to which they are subjected. With this in mind this paper looks more closely at these forms of resistance; resistance that enables women to maintain some form of control over their daily lives and cope with the gendered pains of imprisonment. This could involve the way the women interact with and 'manage' their relationships with prison staff, the methods they use to subvert prison rules and procedures, the relationships and support networks they develop amongst themselves, individual coping strategies and also more overt forms of resistance e.g. dirty protest.

Analysis of action and resistance of this kind has become even more important and pertinent in light of recent cuts to prison services and a full-blown crisis playing out in prisons in England and Wales. Increasing levels of violence, self-harm and suicide are making the effects of incarceration even more damaging to both staff and prisoners alike.

Analysis of forms of resistance against the backdrop of these issues is vital and can demonstrate the ability of prisoners to utilise their agency and take some form of control over their lives, despite the ongoing struggles and injustices faced. Indeed, women's ownership and realisation of agency through acts of protest are rarely acknowledged, particularly in a penal setting. This paper therefore aims to contribute to this field of research with an analysis of how women in a closed prison in England attempt to cope with their time inside.